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Atty. Dkt. No. 023727-1701

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 6, 7 and 26 are currently being amended. Claim 31 is being added. Support for the subject matter of new claim 31 can be found in the specification, figures and originally filed claims. For example, Figure 8 clearly illustrates the deflectable member (bushing 95) absorbing relative compression movement between the latch pin 100 and the latch 85. After amending the claims as set forth above, claims 6-10, 12, 26 and 29-31 are now pending in this application with claim 10 being withdrawn from consideration.

Claims 6-9, 12, 26, 29 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 3,709,538 to Seitz et al. (hereinafter "Seitz") in view of U.S. Patent No. 5,577,779 to Dangel (hereinafter "Dangel"). Applicant respectfully traverses this rejection for at least the following reasons.

As described in an earlier communication, embodiments of the present invention relate to shock-resistant and environmentally sealed containers. Specifically, embodiments of the present invention relate to a latch system for a container having a first section and a second section, wherein the latch system is configured to absorb relative movement between the first section and the second section of the container, thereby preventing the latches of the container from inadvertently opening. As described in the specification and illustrated in Figure 8 of the present application, one embodiment of the invention includes a latch pin 100 mounted in a first section 25 of a container. A latch 85 is pivotally coupled to the latch pin 100, and a deflectable member is provided in the latch and is positioned between the latch pin 100 and a part of the latch. The deflectable member is positioned between the latch pin and a portion of the latch and is configured to absorb relative compression movement between the first section 25 and a second section 30 of the container when the latch is engaged to the second section 30.

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In the embodiment illustrated in Figure 8, the deflectable member is a bushing 95 which deflects to absorb the relative movement between the latch and the latch pin. In the particular embodiment of Figure 8, the bushing 95 includes a plurality of deflectable ribs which deflect to absorb the relative movement.

Thus, during an impact, the deflectable member absorbs the compression movement between the first and second sections of the container and prevents inadvertent unlatching of the container. Accordingly, independent claims 6 and 26 each recite a deflectable member "positioned between the latch pin and a portion of the latch" and "configured to absorb relative compression movement between the first section and the second section."

None of the cited references teach or suggest such a feature. Referring first to Seitz, the Office Action cites the bushing 23 shown in Figure 4 of Seitz as constituting a deflectable member. However, the bushing 23 of Seitz does not and cannot absorb any relative movement between the first and second section. The bushings 23 of Seitz merely function to retain the latch on the rod 21. Thus, Seitz fails to teach or suggest at least the above-noted feature of the pending claims.

Further, reliance on Dangel is unable to cure the deficiencies of Seitz. Dangel fails to address the problem of inadvertent unlatching due to impact and, therefore, also does not teach or suggest the above-noted feature.

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." A reference may be pertinent if it "logically would have commended itself to an inventor's attention in considering his problem." See M.P.E.P. 2141.01(a)).

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Since neither Seitz nor Dangel, taken alone or in combination, teach or suggest at least the above-noted feature of claims 6 and 26, independent claims 6 and 26 are not obvious over Sietz and Dangel.

Claims 6-9, 12, 26, 29 and 30 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,838,586 to Henne (hereinafter "Henne"), U.S. Patent No. 4,861,078 to Munoz (hereinafter "Munoz") and U.S. Patent No. 4,109,819 to Kushman et al. (hereinafter "Kushman"). Applicant respectfully traverses these rejections for at least the following reasons.

The Office Action cites each of Henne, Munoz and Kushman as allegedly disclosing a latch system with a deflectable member (bushing 66 in Figure 6 of Henne, bushing 66 in Figure 4 of Munoz, and bushing 41 in Figure 7 of Kushman). However, in each case, the bushings do not and cannot absorb any relative movement between the first and second section. The bushings disclosed in each of Henne, Munoz and Kushman merely function to retain another component in a pre-determined position and are incapable of absorbing any relative movement. Thus, claims 6 and 26 are not anticipated by any of the cited references.

Thus, independent claims 6 and 26 are patentable. Claims 7, 8, 9, 12, 29 and 30 depend directly from allowable claim 6 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

New claim 31 depends from allowable claim 6 and is, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if any issues remain open in light of the above amendments and remarks.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date

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